

UNITED STATES DISTRICT COURT
DISTRICT OF NEBRASKA

HANNAH SABATA, et al.,

Plaintiffs,

v.

**NEBRASKA DEPARTMENT OF
CORRECTIONAL SERVICES, et al.,**

Defendants.

Case No. 4:17-cv-03107-RFR-MDN

CLASS ACTION

**PLAINTIFFS' NOTICE OF AND
MOTION FOR CLASS CERTIFICATION**

Plaintiffs Hannah Sabata, Dylan Cardeilhac, James Curtright, Jason Galle, Richard Griswold, Angelic Norris, R.P., Isaac Reeves, Zoe Rena, and Brandon Sweetser hereby move the court to for entry of an order pursuant to Rule 23 of the Federal Rules of Civil Procedure:

1. Certifying that this action is maintainable as a class action under Federal Rules of Civil Procedure 23(a), 23(b)(1), and 23(b)(2) as to each of Plaintiffs' causes of action;
2. Certifying a NDCS Class of composed of "all persons who are now, or will in the future, be subjected to the health care (including medical, mental health and dental care) policies and practices of NDCS" and certifying all named Plaintiffs as representatives of the NDCS Class.
3. Certifying an Isolation Subclass composed of "all NDCS prisoners who are now, or will in the future be, subject to conditions of confinement that provide limited contact with other prisoners, strictly controlled movement while out of cell, and out-of-cell time of less than twenty-four hours per week" and certifying named Plaintiffs Hannah Sabata, Dylan Cardeilhac, Jason Galle, Michael Gunther, Richard Griswold, Angelic Norris, R.P., Isaac Reeves, and Zoe Rena, as representatives of the Isolation Subclass.

4. Certifying a Disability Subclass consisting of “all persons with disabilities who are now, or will in the future be, confined at any NDCS facility” and certifying named Plaintiffs Hannah Sabata, Dylan Cardeilhac, James Curtright, Jason Galle, Richard Griswold, Michael Gunther, Angelic Norris, R.P., Isaac Reeves, and Brandon Sweetser, as representatives of the Disability Subclass

5. Certifying counsel of record for Plaintiffs as Class Counsel for the NDCS Class and the Isolation and Disability Subclasses.

This motion is based on this Notice of Motion and Motion; the Memorandum of Points and Authorities, the Evidence Index and associated documents filed and served herewith; the pleadings and orders on file in this matter; and any oral argument or evidence permitted at any hearings on this motion.

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Plaintiffs request oral argument on this motion because this motion is fact intensive and Plaintiffs believe the Court would benefit from being able to address any specific questions the Court has regarding those facts with counsel. Plaintiffs estimate oral argument should last no more than one hour.

Submitted February 19, 2019

**ACLU NATIONAL PRISON PROJECT
ACLU OF NEBRASKA
DLA PIPER LLP (US)
NATIONAL ASSOCIATION OF THE DEAF
NEBRASKA APPLESEED
ROSEN BIEN GALVAN & GRUNFELD LLP**

By: /s/ Kara J. Janssen

Kara J. Janssen (Cal Bar. No. 274762)
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Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on February 19, 2019, I electronically filed the foregoing document with the Clerk of the United States District Court for the District of Nebraska, causing notice of such filing to be served upon all parties registered on the CM/ECF system.

By: /s/ Kara Janssen